

1 BILL NO. Z-94-09-12

2 ZONING MAP ORDINANCE NO. Z- *Wickham*

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. D-7.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-1-B (Limited Business) District under the terms
9 of Chapter 157 Title XV of the Code of the City of Fort Wayne,
10 Indiana of 1974:

11 A parcel of land, being part of the Northwest Fractional
12 Quarter of Section 18, Township 30 North, Range 12 East,
13 in Allen County, Indiana, as described as follows, to-
14 wit:

15 To arrive at the point of beginning, at the South corner
16 of said parcel, commence on the Northwesterly right-of-
17 way line of the Public Highway known as U.S. Highway No.
18 24, at a point of its intersection by the range line
19 between Section 13 in Range 11 East, and Section 18 in
20 Range 12 East; thence running North 51 degrees East along
21 said right-of-way line, a distance of 203 feet; thence
22 North 57 degrees East, along said right-of-way line, a
23 distance of 148 feet; thence North 51 degrees East, along
24 said right-of-way line, a distance of 30 feet to the
25 place of beginning at the South corner of said parcel of
26 land; thence continuing North 51 degrees East, along said
27 right-of-way line, a distance of 150 feet; thence North
28 39 degrees West, 194 feet; thence South 51 degrees West,
29 150 feet; thence South 39 degrees East, 194 feet to the
30 place of beginning, containing 0.668 acres.

31 and the symbols of the City of Fort Wayne Zoning Map No. D-7,
32 as established by Section 157.016 of Title XV of the Code of
33 the City of Fort Wayne, Indiana are hereby changed
34 accordingly.

35 SECTION 2. That this Ordinance shall be in full force
36 and effect from and after its passage and approval by the
37 Mayor.

38 *Rebecca Jarvis*
39 Councilmember

40 APPROVED AS TO FORM AND LEGALITY:

41 *J. Timothy McCalay*
42 J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by _____,
and duly adopted, read the second time by title and referred to the
Committee on _____ (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of
_____, at _____ o'clock
_____, M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	_____	_____	_____
BRADBURY	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
GIAQUINTA	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LONG	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____, M., E.S.T.

PAUL HELMKE, MAYOR

BILL NO. Z-94-09-12

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. D-7

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

NO REC

Wickham

DATED:

3-14-95.

Sandra E. Kennedy
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

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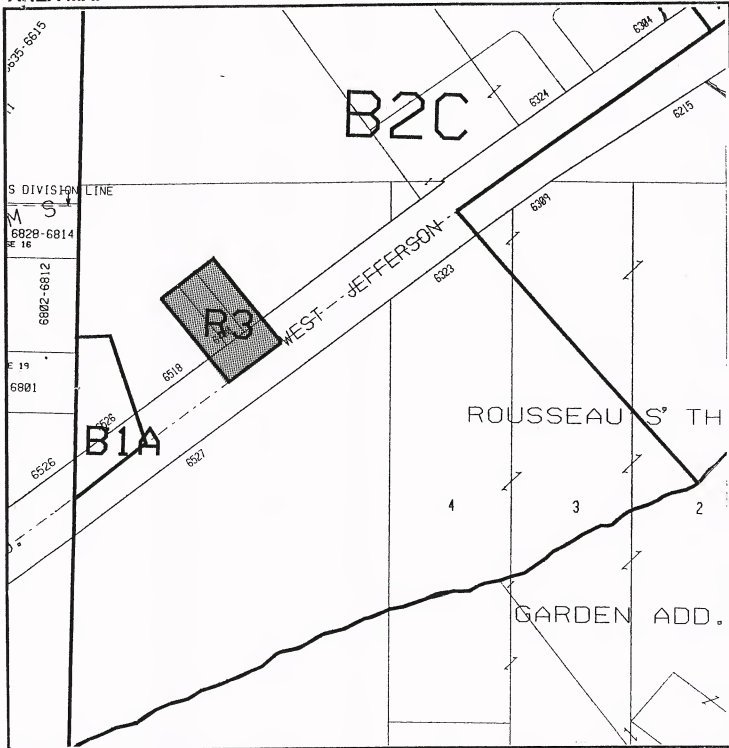
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PAID BY: CASH ☐ CHECK ☒ M.O. ☐

REZONING PETITION

AREA MAP

CASE NO. #568



COUNCILMANIC DISTRICT NO. 4

Map No. D-7
LW 8-22-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

I/We Quality Cooking, Inc. do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an R-3 designation to a/an B-1B designation, the property located at the common street address of: 6430 West Jefferson Blvd., Fort Wayne, Indiana and further described as follows:
See Exhibit "A"

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:
Development and operation of an approximately 3,500 square foot

Boston Chicken Restaurant

Property owners Name(s): NORMAN & Phyllis Ritenour

Street Address: Box 6

City: PLEASANT LAKE State: IN Zip: 46779 Phone: 219-475-5651

Applicants Name (if different from above): Quality Cooking, Inc., Attn: Tom Goldsmith, Real Estate/ Partner

Street Address: 615 East Carmel

City: Carmel State: IN Zip: 46032 Phone: 317-581-4400

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

X	<u>Norman Ritenour</u>	<u>NORMAN Ritenour</u>	<u>8-16-94</u>
	Signature	Printed Name	Date
X	<u>Phyllis A. Ritenour</u>	<u>Phyllis A. Ritenour</u>	<u>8-16-94</u>
	Signature	Printed Name	Date
X	_____	_____	_____
	Signature	Printed Name	Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

Thomas M. Niezer

219-423-9551

215 East Berry Street

Telephone Number

Fort Wayne, IN 46802

Form Rez494

Receipt #: 14939

Date Filed: 8/17/94

Map #: D-7

Reference #:

Legal Description of Real Estate

A parcel of land, being part of the Northwest Fractional Quarter of Section 18, Township 30 North, Range 12 East, in Allen County, Indiana, described as follows, to-wit:

To arrive at the point of beginning, at the South corner of said parcel, commence on the Northwesterly right-of-way line of the Public Highway known as U.S. Highway No. 24, at the point of its intersection by the range line between Section 13 in Range 11 East, and Section 18 in Range 12 East; thence running North 51 degrees East along said right-of-way line, a distance of 203 feet; thence North 57 degrees East, along said right-of-way line, a distance of 148 feet; thence North 51 degrees East, along said right-of-way line, a distance of 30 feet to the place of beginning at the South corner of said parcel of land; thence continuing North 51 degrees East, along said right-of-way line, a distance of 150 feet; thence North 39 degrees West, 194 feet; thence South 51 degrees West, 150 feet; thence South 39 degrees East, 194 feet to the place of beginning, containing 0.668 acres.

EXHIBIT A

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 13, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-94-09-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 19, 1994.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 27, 1995.

Certified and signed this
2nd day of March 1995.



Carol Kettler Sharp
Secretary

FACT SHEET

Z-94-09-12

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment
From R-3 to B-1-B

DETAILS

Specific Location and/or Address

6430 West Jefferson Bl

Reason for Project

The applicant is proposing to demolish the existing office building on the site and build a new restaurant facility.

Discussion (Including relationship to other Council actions)

19 September 1994 - Public Hearing

(See Attached Minutes of Meeting)

26 September 1994 - Business Meeting

The petitioner asked for and obtained a deferral of action for 30 days.

24 October 1994 - Business Meeting

The petitioner asked for and obtained a deferral of action for 60 days.

9 January 1995 - Business Meeting

A deferral of action was given for another 30 days.

27 February 1995 - Business Meeting

Petition was withdrawn at the request of the petitioner's attorney.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Quality Cooking Inc City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Motion was made and seconded to return the ordinance to the Common Council as a WITHDRAWAL.

Of the six (6) members present five (5) voted for the motion, the Chair did not vote. Motion carried.

Members Present: Linda Buskirk, Ernest Evans, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith

Members Absent: James Hoch, Donald Schmidt, Vicky VerPlanck

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 17 August 1994

Projected Completion or Occupancy Date 2 March 1995

Fact Sheet Prepared by Date 2 March 1995

Patricia Biancanello

Reviewed by Date 6 March 1995

Reference or Case Number

- 10
- a. Bill No. Z-94-09-12 Change of Zone #568
From R-3 to B-1-B
6430 W Jefferson Bl

Tom Niezer, attorney for the petitioners, Quality Cooking, appeared before the Commission. He stated that Quality Cooking is an Indiana Corporation that are presently under contract to purchase the property at 6430 W Jefferson Bl. He stated that one of the conditions preceding the buying of the property is obtaining a satisfactory rezoning of the site. He stated that Quality Cooking is one of the fastest growing restaurant franchise in the state. He stated that this business provides a carry out, dining room setting, which provides roasted chicken products, in a delicatessen setting. He stated that he had passed out a brochure to the Commission with background on Quality Cooking. He stated that there were area maps showing the location of the restaurant along Jefferson Blvd., and adjacent to the Covington Plaza Shopping Center. There was also a proposed floor layout for the Boston Chicken Restaurant, as well as the proposed signage alternatives, that have been used in other sites and will be considered used at this site. He stated that in considering the rezoning request state statute requires that they submit evidence for the record with respect to the conformity of the rezoning request with the Comprehensive Plan. Showing that current conditions and the character of current structures and uses are consistent with this rezoning request; show that this is the most desirable use for the land and show that this site achieves conservation of property values. He stated he believed that staff had commented on some, if not all, of the items favorable in the staff report. He stated that this property is completely surrounded by B2C - Regional Shopping Center uses, primarily Covington Plaza Shopping Center and the Villa Shoppes of Skinner-Broadbent on the other side of West Jefferson Blvd. He stated that they certainly are conserving property values by trying to bring the property into a more consistent usage with those property values and usages surrounding it. He stated that it is their contention that this rezoning is also the most desirable use for the land. He stated that they will even be making improvements to the land from both a concept of topography and site plan concept, which will make it more consistent than it is now. He stated that they feel that this plan and application is consistent with the City's Comprehensive Plan. This property is located in the west section of the City's Outer Ring. The purpose of that area is to contain urban growth, within the urban service area, this proposal does that. He stated that this proposal also meets many, if not all, of the applicable general land use proposals identified in the Comprehensive Plan. He stated that it is compatible with surrounding uses in the B2C classification. He stated that they are certainly not establishing an undesirable precedent. He stated that this proposal and the construction of the Boston Chicken Restaurant will not necessitate the construction of any new utility services by the City. He stated that they will be using and tapping into already existing utility services. He stated that the outlay of any capital money by the city is virtually "nil". He stated that he felt this

restaurant's offerings would be unique to the city. He stated that beyond the requirement of state statute this request also affords Boston Chicken and the city of Fort Wayne to improve two issues in the area of site design and traffic access. He stated that they are addressed at length in the staff comments. In the area of site design they have already had the opportunity to meet once and discuss their landscape design with Tom Cain and Pat Fahey. He stated that they have assured them that they will more than likely go ahead and consider many of the concepts that Tom Cain has asked regarding the property. He stated that they cannot keep all of the oak trees that are currently on the site. He stated that doing so would necessitate having one in the middle of the restaurant. He stated that with respect to traffic access they have provided the staff with an executed letter of intent between Boston Chicken and Covington Plaza Center Inc. He stated that 2 months ago they met with the city and presented them with a letter that stated that they agree to create an easement along the inner ring road serving Covington Plaza. He stated it is a private road, it is not dedicated to the city of Fort Wayne. He stated that since that time they have had three meetings with Driveway Subcommittee and at least one meeting with the Traffic Engineering Department. He stated that at last week's Driveway Subcommittee Meeting a recommendation was approved which shows the access as presented on the site plan. He stated that they have been able to secure the city's approval with respect to access. He stated that they believe that they have obtained Mr. Bobeck's approval as well to move forward. He stated that they will be furnishing, prior to next Monday, a signed easement agreement between Covington Plaza Center Inc., and Quality Cooking that will grant easement rights for this property. He stated that Boston Chicken represents a new outlet for Fort Wayne in its ever growing restaurant needs. He stated that there is no similar type of competition as far as they are concerned in the area. He stated that this proposal will contemplate a small but existing payroll of \$300,000 to \$400,000 per year, and a net investment of close to 3/4 of a million dollars. He stated that they would ask for the Commission's favorable recommendation.

Duane Bobeck, 3333 W Hamilton Road, president of Covington Plaza Center Inc., appeared before the Commission. He stated that Covington Plaza owns the land on three sides of this site. He stated that they are in favor of the use. He stated that after they heard that Boston Chicken was interested they made a point of visiting some of their stores in other cities. He stated that they were very impressed with the quality of their operation. He stated that in the 1950's this property was donated to the Associated Churches of Fort Wayne. He stated that the Associated Churches then built an office building on the site for their own use. He stated because they were a church they did not need rezoning. He stated about 1980 they decided to move to the Foellinger Center and sold the property as a non-conforming use. During those 14 years they have talked to numerous people who wanted to buy the property to develop and use it in some way. He stated that it was his understanding that first the County Plan Commission and then the

City Plan Commission advised that it not be rezoned for commercial use with a cut on W Jefferson Blvd., because any cut would be too close to a major intersection. He stated that they have been informed over those years that if they would reach an easement agreement with the user to hook them into the perimeter road of Covington Plaza, then perhaps a commercial zoning could be granted. He stated that in the past they have had a series of requests that could not be allowed because they were already within the plaza and would have conflicted with existing operations. He stated that Boston Chicken is not a conflict and they would love to see them there and they have reached an agreement for an easement to connect into the perimeter road.

Steve Loggins, 4609 Fairfield Av, appeared before the Commission. Mr. Loggins stated that he was not opposed to Boston Chicken coming into this location. He stated that his concern is that when you are traveling west bound on Jefferson there is no way to get into the parking lot. He stated that you must go back east and pull into Boston Chicken's proposed parking lot. He stated that his concern is getting client's into the parking lot for his business.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

ORIGINAL

ORIGINAL

#568

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 6430 W Jefferson Blvd

2-94-09-12

EFFECT OF PASSAGE Property is currently zoned R-3 - Multi-Family Residential. Property will become zoned B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____